

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

MARGAE, INC.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CLEAR LINK TECHNOLOGIES,)	Civil Action No. 07-251
LLC, JAMES CLARKE, ALAN S.)	
EARL, PHIL HANSEN, BRUCE)	
WESTENSKOW, and BEN)	
HENDERSON,)	
)	
Defendants.)	

NOTICE OF REMOVAL OF CIVIL ACTION

Defendants, Clear Link Technologies, LLC, James Clarke, Alan S. Earl, Phil Hansen, Bruce Westenskow and Ben Henderson (collectively “Defendants”), by and through their attorneys, petition for removal of this cause to the United States District Court for the Western District of North Carolina. In support of this Notice, Defendant states as follows:

1. On June 18, 2007, Plaintiff filed a Complaint in the General Court of Justice, Superior Court Division, of Haywood County, North Carolina (File No. 7 CV 00739) (the “Complaint”).

2. According to the allegations in the Complaint, Plaintiff is a corporation, organized and existing under the laws of North Carolina, with its principal place of business in Haywood County, North Carolina. (Compl. ¶ 1).

3. According to the allegations in the Complaint, Defendant Clear Link Technologies, LLC is a limited liability company, organized and existing under the laws of Utah, with its principal place of business in Utah. (Compl. ¶ 2).

4. According to the allegations in the Complaint, Defendants James Clarke, Alan S. Earl, Phil Hansen, Bruce Westenskow and Ben Henderson are individuals who each are citizens and residents of Utah. (Compl. ¶¶ 3-7).

5. Defendants Bruce Westenskow and Ben Henderson accepted service of the Complaint on June 22, 2007. Copies of the acceptances of service for Defendants Westenskow and Henderson are attached as Exhibit A. Defendants Clear Link Technologies, LLC, James Clarke, Alan S. Earl, and Phil Hansen are executing acceptances of service of the Complaint through their counsel dated July 19, 2007.

6. A responsive pleading has not been filed.

7. On or about June 20, 2007, Plaintiff demanded an amount well in excess of \$75,000.00 to settle the claims alleged in the Complaint. *See* Declaration of Phil Hansen (filed contemporaneously herewith).

8. At the time of the filing of the Complaint and at the time of the filing of this Notice of Removal, complete diversity of citizenship existed between Plaintiff and all Defendants.

9. The underlying action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. The action is one which may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) as it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

10. This action is removable to this Court pursuant to 28 U.S.C. § 1441 because this Court would have had original jurisdiction over the claims herein had Plaintiff elected to file this action, in its current form, initially in the United States District Court. This court is the District Court for the United States for the district and division embracing the place where the state court action is pending, and is, thus, the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

11. In accordance with 28 U.S.C. § 1441(a), a copy of all process, pleadings and orders served in the State Court is attached hereto as Exhibit B.

12. By filing this Notice of Removal, Defendants do not waive and hereby expressly reserve the right to assert any defense or motion available.

13. This Notice of Removal is timely as it is filed within 30 days of Defendants' receipt of the Complaint. *See* 28 U.S.C. § 1446(b).

14. Promptly after filing this Notice of Removal, written notice of removal will be given to the Plaintiff through its attorney of record in the State Court Action and to the Clerk of Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

This the 19th day of July, 2007.

s/ Richard S. Gottlieb

Richard S. Gottlieb, Bar No. 23131

Laura A. Greer, Bar No. 31555

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

None.

and I hereby certify that I have mailed the document to the following non-CM/ECF participants:

W. Perry Fisher, II, Esq.
Van Winkle, Buck, Wall,
Starnes and Davis, P.A.
Post Office Box 7376
Asheville, North Carolina 28802-7376

Attorney for Plaintiff

Respectfully submitted,

s/ Richard S. Gottlieb

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